THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :15076 of 2006

DATED:28-06-2007

BETWEEN:

N.Ramalingeswara Rao.

..... PETITIONER

AND

The Commissioner,
Prohibition & Excise,
Government of A.P.,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Petitioner seeks a writ of mandamus declaring the action of the respondents 1 and 3 herein in proposing to grant licence to the 4th respondent under Form 2-B (under Rule 4 of the A.P.Excise (Grant of Licence of selling by bar and condition of licence) Rules 2005 for the year 2006-07, as arbitrary, illegal and contrary to law.

2. None appeared for the petitioner when the matter was taken up on 21-06-2007 and therefore, it was posted to this day. Even today also none appears. The only grievance of the petitioner is that the official respondents are proposing to grant licence under Form No.2-B i.e., bar licence for the year, 2006-07 contrary to the rules within 500 mts of predominantly residential area.

3. Counter has been filed stating that licence has been granted in favour of the 5th respondent which is located on the main road and used for shopping purpose. It is stated that the premises to which licence is granted is not predominantly residential area but it is on the main road where shops were established.

4. In view of the aforesaid denial of the allegations and though the licence was not granted in the predominantly residential area but it was granted in a commercial area, I am of the opinion that these disputed questions of facts cannot be dissolved, moreso,

when no contradictions were made to the counter filed by the official respondents.

5. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

28th June, 2007.
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